



**EXPEDITED RULE MAKING
(RCW 34.05.353)**

**CR-105 (11/1/01)
EXPEDITED RULE MAKING ONLY**

Agency: Department of Labor and Industries

(a) Title of rule: Chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations

Purpose: The Occupational Safety and Health Administration (OSHA) found our rules requiring the use of personal flotation devices (PFD) to be less effective than the Federal standard. The proposed changes will make our rule at least as effective as the Federal equivalent. Additional housekeeping changes will be made.

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

(c) Summary: The Occupational Safety and Health Administration (OSHA) found our rules requiring the use of personal flotation devices (PFD) to be less effective than the Federal standard. The proposed changes will make our rule at least as effective as the Federal equivalent. Additional housekeeping changes will be made.

| (d) Name of Agency Personnel Responsible for: | Office Location | Telephone |
|---|-----------------|--------------|
| 1. Drafting.....Tracy Spencer | Tumwater | 360-902-5530 |
| 2. Implementation.... Michael A. Silverstein | Tumwater | 360-902-5495 |
| 3. Enforcement..... Michael A. Silverstein | Tumwater | 360-902-5495 |

(e) Name of proponent: Department of Labor and Industries

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
NA

(g) Is rule necessary because of:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

NOTICE

WE ARE USING THE EXPEDITED ADOPTION PROCESS BECAUSE THIS PROPOSAL IS TO CHANGE OUR RULE LANGUAGE TO BE AS EFFECTIVE AS THE FEDERAL OSHA RULES. WHEN ADOPTING FEDERAL-IDENTICAL RULES, WISHA IS NOT REQUIRED TO HOLD A PUBLIC HEARING OR PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS), WHICH ALLOWS US TO DO EXPEDITED RULE-MAKING. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO:

Carmen Moore
Department of Labor and Industries
PO Box 44001, Olympia, WA 98504-4001

AND RECEIVED BY April 21, 2004

CODE REVISER USE ONLY

WSR# 04-05-072

NAME
Paul Trause

SIGNATURE

TITLE
Director

DATE
February 17, 2004

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

WAC 296-56-60115, Other protective measures, contain requirements on the use of personal flotation devices (PFD) when conducting longshore, stevedore and related waterfront operations. There are no anticipated effects of this rulemaking.

WAC 296-56-60243, Fuel handling and storage, we are changing the reference to WAC 296-24-475 from liquid fuels to liquefied gas fuels. There are no anticipated effects of this rulemaking.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The following sections are affected by this rulemaking:

AMENDED SECTIONS:

WAC 296-56-60115, Other protective measures

- The proposal will require that employees wear PFD's regardless of the water depth.

WAC 296-56-60243, Fuel handling and storage

- The proposal moves a reference to chapter 296-24 WAC from subsection 1, liquid fuel to subsection 2, liquefied gas fuels.